

STATE OF SOUTH CAROLINA

(Caption of Case)

Certification of the Use of Universal Service Funds
pursuant to 47 C.F.R. §54.314 and
Telecommunications Act §254(e) CC Docket No. 96-45

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

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DOCKET

NUMBER: 1997 - 239

Dec: SA.Date: 6/25/08Time: 4:15

(Please type or print)

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other: _____

| INDUSTRY (Check one) | NATURE OF ACTION (Check all that apply) | | | |
|--|--|--|---|--|
| <input type="checkbox"/> Electric | <input type="checkbox"/> Affidavit | <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Request | |
| <input type="checkbox"/> Electric/Gas | <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certificatio | |
| <input type="checkbox"/> Electric/Telecommunications | <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigator | |
| <input type="checkbox"/> Electric/Water | <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement | |
| <input type="checkbox"/> Electric/Water/Telecom. | <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment | |
| <input type="checkbox"/> Electric/Water/Sewer | <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter | |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response | |
| <input type="checkbox"/> Railroad | <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery | |
| <input type="checkbox"/> Sewer | <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition | |
| <input checked="" type="checkbox"/> Telecommunications | <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation | |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena | |
| <input type="checkbox"/> Water | <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff | |
| <input type="checkbox"/> Water/Sewer | <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: | |
| <input type="checkbox"/> Administrative Matter | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | | |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | | |
| | <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | | |

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June 25, 2008

VIA HAND DELIVERY

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Chief Clerk and Administrator

Public Service Commission of South Carolina

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RE: Letter in Support of the South Carolina Telephone
Coalition's Motion to Dismiss
Docket No. 1997-239-C

Dear Mr. Terreni:

United Telephone Company of the Carolinas d/b/a Embarq ("Embarq") files this letter in support of the Motion to Dismiss filed by the South Carolina Telephone Coalition (SCTC) on June 20, 2008 ("SCTC Motion"). The SCTC Motion is consistent with the comments Embarq previously filed in this docket on July 27, 2007, in response to the Commission's directive seeking comments related to updated cost studies (Order No. 2007-422).

Embarq agrees with SCTC that the South Carolina Supreme Court's decision upholding the Commission current USF rules makes it unnecessary for the Commission to take further action regarding updating the cost studies at this time (SCTC Motion at ¶¶7 and 13). As SCTC points out, the Commission's rules require updated cost studies if a carrier requests more than one-third of its company-specific funding requirement (SCTC Motion at ¶7). This provision of the rules ensures that a company's cost studies will be updated appropriately so that it does not receive an excessive amount of USF funding in relation to its costs. Embarq does not meet the one-third requirement, as it currently receives only 14.5% of the total USF funding for which it is eligible.

Embarq also agrees with SCTC that the Commission should proceed to determine the administrative issues suggested by the Office of Regulatory Staff (ORS) and identified in Order No. 2007-422 at page 2 (SCTC Motion at ¶12). Embarq's position on ORS's administrative issues is set forth in Embarq's July 27, 2007 comments at page 5.

Mr. Terreni
June 25, 2008
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For the reasons set forth above, the Commission should grant SCTC's Motion to Dismiss, should proceed to determine ORS's administrative issues on an expedited basis and should grant such other relief as is just and proper.

Sincerely,

ELLIOTT & ELLIOTT, P.A.



Scott Elliott

SE/jcl

cc: All Parties of Record

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that I have served one copy of Letter in Support of Motion to Dismiss, in Docket No. 97-239-C on behalf of United Telephone Company of the Carolinas d/b/a Embarq on all below listed parties to this proceeding by depositing a copy addressed to each in the United States Mail, first-class postage prepaid.

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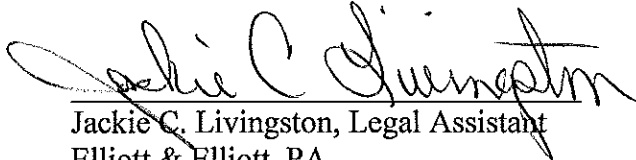
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This 25th day of June, 2008.



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